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## FREDERICK COUNTY PLANNING COMMISSION

### January 12, 2011

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**TITLE:** **Stups Market** – Proposed Gas Pumps and Canopy

**FILE NUMBER:** **SP 10-10** (AP#'s 11047, 11447 & 11051)

**REQUEST:** **Concept and Site Plan Approval** (Requesting approval for new gas pumps and canopy; landscaping and parking modifications; and APFO & FRO approval)

**PROJECT INFORMATION:**

LOCATION: Eastern quadrant of Mountville and Adamstown Roads  
ZONE: Village Center (VC)  
REGION: Adamstown  
WATER/SEWER: W-1, S-3 (connected & sewer anticipated in 1-3 years)  
COMP. PLAN/LAND USE: Village Center

**APPLICANT/REPRESENTATIVES:** (as applicable)

APPLICANT: Bill Stup  
OWNER: same  
ENGINEER: Frederick Seibert & Assoc., Inc.  
ARCHITECT: N. A.  
ATTORNEY: Not Listed

**STAFF:** Stephen O'Philips, Principal Planner

**RECOMMENDATION:** **Conditional Approval, pending resolution of Health Department Concerns prior to FcPc Decision**

*Enclosures:*

*Exhibit #1: Aerial Photo*

*Exhibit #2: Color Rendering of Facade*

*Exhibit #3: Site Plan (Sheets 1-3 of 3)*

## STAFF REPORT

### BACKGROUND:

**Development and Parcel History:** There is an existing store built on the parcel at the corner of Adamstown Road and Mountville Road that is roughly 1,300 sq. ft. The Tax Assessment records indicate that the existing store may have been built in 1940, although architectural features seem to suggest that the store is actually of a 1920s construction. By 1986 updating to the structure had been done, as indicated by Tax and Assessment records. A garage on the property was razed by 2001. Lastly, a permit was issued in 2003 for an 18' x 12' cooler addition was also noted. These changes appear to have been executed without Site Plan reviews. (See aerial view attached.)

This particular parcel has two front setbacks and two side setbacks because it is a corner-lot configuration. The store is built 18' within the standard 25' setback of Mountville Road right-of-way and within 6' of the Master Planned right-of-way line for Adamstown Road. Therefore, this structure is a non-conforming structure. The Applicant proposes no changes to the store, although changes to the parking arrangement are proposed. Currently, four parking spaces are located in the front of the store, with the northwestern-most parking space in the right-of-way of Mountville Road.

**Village Center Zone:** In 2007, the Board of County Commissioners approved a comprehensive text amendment that added new design requirements for development within the Village Center zone in the Zoning Ordinance. In addition to design requirements, the Zoning Ordinance changes added a new review level, namely a Concept Plan approval. The text allows for the Frederick County Planning Commission's (FcPc's) designee (the Development Review Staff) to approve Concept Plans prior to the required, standard Site Plan review before the FcPc. However, in this case, the Applicant is presenting a combined Concept Plan / Site Plan for simultaneous approval. Given the relatively narrow scope of this proposal, the Staff does not object to the combined reviews.

Since the 2007 text change, there has been only one other Village Center project submitted for approval—the Village Commons North and South in the Urbana community. Those Concept Plans were approved by the FcPc in March 2008. In those reviews, the Applicant proposed building heights over 30', which required FcPc review and approval.

**This Site Plan Application:** This Applicant proposes to add four gas pumps at two gas pump stations with a proposed 24' x 24' canopy. The Applicant also proposes to shift four parking spaces in the front of the store to the back, significantly improving the traffic safety of this site. While the Village Center zoning contains very specific design criteria for new development, this proposal is limited in scope to the proposed development, which includes the gas pumps and the canopy, and parking arrangement. No change to the existing store is proposed. Also, this project is complicated by the fact that existing parking conditions have parking spaces located within the right-of-way of Mountville Road, which this application proposes to correct by shifting them to the back.

The Staff originally met with the Applicant in a pre-submission meeting in March 2010. Several concept studies were performed. An official Site Plan application was submitted in July 2010. In a very recent December 2010 submission, the Staff was presented with signage data for review for the first time. There are a number of significant concerns with septic issues, but most of these appear to be drafting errors.



**SITE USE, CIRCULATION, PARKING & UTILITIES:**

**Land Use and Zoning Review:** The site is zoned Village Center (VC). The Zoning Ordinance Use Table (§. 1-19-5.310) lists *Department store or variety store* as a principal permitted use subject to site development plan approval. The gas pumps and canopy have been deemed to be accessory structures by the Zoning Administrator for this application, which are allowed because the existing store is a principal permitted use with Site Plan approval in the VC zone.

**Dimensional Requirements/ Bulk Standards:** The Village Center (VC) zone contains a rather elaborate setback requirement for new principal structures that relies on the average setbacks of surrounding properties. However, these setback requirements apply to principal structures, not accessory structures. The proposed gas pumps and canopy are accessory structures subject to a front and 6' side yard setback, which the proposed gas pumps and canopy meet. In this case, the front setbacks are being measured from the existing facades of the non-conforming structure.<sup>1</sup> To note, there are several existing, 19<sup>th</sup> century buildings located roughly 5-8' from the pavement edge along Mountville Road.

**Access/Circulation and Road Frontage Improvements:** The site currently offers access from Mountville Road and Adamstown Road, and provides a through-movement. The Applicant's proposal preserves this through movement. Staff does not think that the arrangement of the gas pumps will facilitate illegal cut-through movements because of the tight design configuration of the site. The tight configuration of the fuel positions is not ideal and would not be approved on a typical, undeveloped suburban site. But because this is in a Village Center district and an addition to an existing use, circulation requirements have been relaxed.

The Traffic Engineer for the County has indicated that with regard to circulation of the fueling trucks on the site, in addition to customer circulation challenges, tank trucks delivering gasoline would find access difficult, especially the movements to and from Adamstown Road to the south. In order to mitigate these problems and optimize circulation for tanker trucks, the following changes to the site plan would be necessary:

- Change the deciduous trees on the eastern side of the property to vertical growing evergreen trees.
- Eliminate or label the northwestern most parking space for compact cars only
- Additional modifications may be necessary at Improvement Plan submission to further maximize ease of circulation.

With regard to the required connection to the adjoining parking lots, the Applicant requests approval not to connect to the adjoining lots. The Staff offers no objection to this request for the following reasons:

- 1) The parcel to the northeast is a residential lot.
- 2) The parcel to the southwest is in an undeveloped, forested condition. Since VC development is likely to contain mixed, residential development, connection with a gas pump parking lot is not desirable.

**Parking Space and Design Requirements:** Section 1-19-6.220 of the Zoning Ordinance requires that this land use provide a total of five parking spaces. The Applicant has provided six spaces and requests

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<sup>1</sup> This determination of the front yard measurements is based on the definition of "front yards" in the Zoning Ordinance: "An open space, unoccupied and unobstructed by any building extending the full width of the lot equal in depth to the minimum distance required for such yard for the district in which the lot is located from the front lot line."



a modification for one over the required amount. The Applicant claims the intensity of site usage justifies the extra parking space. Given that an existing parking lot is being retrofitted and the fact that there is likely to be more than four non-handicapped users on the site at one time, the Staff does not object to this request and thinks that it is appropriate to provide an additional space. An employee parking space is provided with a parallel parking space along Adamstown Road, which is consistent with the neo-traditional design setting of VC zoned areas. Also, one parking space has been retained in the front of the building, although turned 90° in order to provide handicapped access. The Applicant has also shown appropriate handicapped spaces in accordance with the Maryland Accessibility Code requirements, and the grade to the front door appears to be a maximum 5%, thus meeting the ramp slope limitations.

Additionally, the Applicant is requesting a modification to allow a small portion of the drive aisle to be less than 24'. There is a point at which the drive aisle is reduced to 20'-3" because of the existing location of the store. The Staff has reviewed the layout and does not object to this one point of aisle width reduction, as it only serves four parking spaces.

**Bicycle Parking:** The Applicant's store size does not trip the threshold for bicycle parking because the store is less than 5,000 square feet.

**Loading Area:** Because the gas pumps and canopy are accessory structures, they do not generate a loading space need. However, to carry the analysis further, if the store had been newly proposed, it would not be unusual to grant a modification to allow the drive aisles in the parking lot to serve as a loading space for the type of delivery vehicle used for a variety store, given the small store customer area of less than 1,000 sq. ft.

**Utilities:** The parcel is classified W-1, S-3. Water facilities connected, and sewer facilities are expected to be available within a one to three year period. The property is served by a septic holding tank. The Division of Utilities and Solid Waste Management (DUSWM) has approved the Plan. However, the Health Department has significant concerns that have not been addressed at the time of this writing. While it appears that the issues are simply drafting errors, the Health Department cannot approve the Plan as currently submitted.

The first unresolved issue is the capacity. The Applicant plan indicates that there will be 30 employees. Staff believes this to be a drafting error and that only three employees will occupy the site. (In fact, given the size of the store, it appears that no more than 10 or 15 people could comfortably be inside the building at once.) The Applicant's Plan indicates that water/sewer usage is 800 gallons-per-day (gpd). The Health Department indicates that no increase from the current 100 ± gpd. is allowed. However, the Health Department calculates that with three employees the water/sewer usage is likely to be no more than about 100 gpd. The second issue is the placement of a portable toilet on the site. The Health Department indicates that portable toilets are not allowed to be used as a permanent source of waste disposal.

### **ENVIRONMENTAL ANALYSIS:**

**Open/Green Space Requirements:** The VC zone contains open and green space requirements based on gross floor area. The Applicant is proposing no increase in floor area; therefore there are no open space or green space requirements generated with this application, other than soil-base requirements for trees and setback requirements.

However, in an attempt to meet the spirit of the regulations, the Applicant has shown picnic tables on the



front porch (which are existing) and the inclusion of a row of stone boulders to visually demarcate the road edge and the porch area. The Applicant worked with both the Planning & Zoning and DPDR Staff to try to achieve some of the pedestrian oriented featured contemplated in the VC zone. Because of the proximity of the road to the front of the store, landscape material was deemed to be an inappropriate choice for treatment.

**Floodplain Issues:** There are no hydrological systems on this parcel.

**Landscaping:** The Applicant is subject to the landscaping regulations that became effective on January 29, 2010. Given the fact that the Applicant is proposing no changes (other than parking striping) to the existing pavement areas on site, and because existing features and near 100% pavement on the site limit the design flexibility, the Applicant is requesting a number of landscape modifications. In essence, given the limited areas of proposed change on this parcel, the Staff believes these modifications are justified.

The Applicant has met the landscape requirements in the following ways:

- 1) Five Red Maple trees have been planted along southeastern property line. While there is a forested area adjoining this parcel to the southeast, there is enough non-paved area on the applicant's parcel to support these trees.
- 2) The Applicant is also proposing non-native evergreen trees along the northeastern property line.

Given the concerns expressed by the Traffic Engineer, the Applicant should consider basically shifting a majority of the Red Maples with the row of evergreens, in order to retain canopy coverage while simultaneously facilitating fuel truck maneuverability through the site.

Mature trees on the adjoining properties create a dense shade condition that would not allow planted material to thrive on the eastern corner of the parcel. However, this corner could be addressed with 6' board fencing to provide needed screening of the parking area.

- a) Street tree planting requirements – because the Applicant is proposing to amend only a 35' wide area of the site with gas pumps and canopy only one street tree is required to meet the street tree requirement of one tree per 35' of frontage. The Applicant has met this requirement with planting of the Red Maples and the evergreen trees.
- b) 20% canopy—while there is not enough room on the site to provide for tree islands in the parking lot area, the Applicant has provided in excess of a 20% area of canopy of pavement area with the planting of the five Red Maples along the gas pumps;
- c) 10-parking-bay limit—the Applicant has not exceeded this limit by providing a four parking-bay average;
- d) Usage of native species—the Applicant has provided 100% native trees for over-story deciduous trees. (The native species analysis is not applied to evergreen species because there are so few native evergreens that are adaptable to built environments.)
- e) Buffering and screening along common property lines and buffering and screening of parking lots -- The Applicant is providing a combination of five red Maples and evergreen trees along the property lines. However, the addition of a 6' board fence in the eastern corner of the site could be used where adjoining shade trees would inhibit plant growth.

**Storm-water Management (SWM) Design:** This project was tested with regard to the requirements of the Maryland Stormwater Management Act of 2007 (SWM 2007), which became effective May 4, 2010. Because the site is mostly paved and less than 5,000 sq ft of area will be disturbed by this application, this application is exempt from these regulations.



**Forest Resource Ordinance (FRO):** There are no priority systems on site. The Applicant's net disturbance area is less than 1,250 sq. ft. and therefore forest requirements are waived.

### **MISCELLANEOUS DESIGN ISSUES:**

**Lighting:** The Applicant is proposing no new lighting with this application.

**Signage:** The Applicant is allowed 70.1 sq. ft. of signage on the site. As of this writing, there are numerous signs on the existing building.<sup>2</sup> The Applicant is proposing a new free-standing sign in front of the store totaling 69 sq. ft. While this value is under the allotment of 70.1 sq. ft. the Applicant has not factored into the allotment proof the existing signage on the building. With the existing signage, the Applicant exceeds the allotment. Also, the proposed sign may fail to meet the 12.5' setback from the pavement right-of-way line if the longitudinal dimension is 12'. Also, there is a question as to whether the proposed free-standing sign will block sight distance at the corner. The dimensions for the sign shown on Sheet 2 appear to be reversed. The Applicant must clarify the following:

- 1) Does the Applicant intend to remove all existing signage on the building to allow for the limited allotment to be devoted to the proposed free-standing sign?
- 2) What is the height of the sign? Is the oblong dimension 12'? If so, a sight distance study must be submitted to verify that the sign does not obstruct sight distance at the corner and the sign must be moved back to accommodate the setback.

**Trash Dumpster and Recycling:** The Applicant has indicated in Note #11 on Sheet 1 that the trash is removed by private hauler and that the Applicant shall attempt to recycle to facilitate the single-stream recycling program.

**Building Elevations and Height:** There is limited architectural review authority for structures in the VC zone. The Zoning Ordinance cites the following language with regard to architectural review in the VC zone:

*§1-19-7.500 (A) ....The design standards are to ensure that new development is compatible with the unique characteristics within each community. The scale and density of new development shall conform to the existing development patterns of the specific community in which it is located as depicted within the Village Center Zoning District design guide.*

*§ 1-19-7.500 (C) (1): New development will use existing development as a guide when determining site development, layout, bulk, and form of proposed structures within the Village Center District. New development should be designed and built to reflect existing neighborhood characteristics including shape, height, massing, roof shapes, and door and window placement and proportions.*

While the historic preservation planner has conditionally approved this plan, the following comments are made about the fascia of the proposed canopy:

"...Consider the materials and views of the proposed canopy and landscape from Mountville Road, as this is the major intersection of the historic village and the location of many of its historic

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<sup>2</sup> It is the Staff's understanding that the applicant has agreed to remove these numerous, existing signs for the purpose of devoting the 70.1 sq. ft. allotment to a free-standing sign in the front of the structure.

commercial properties, including the store (originally Gochnaur's), the bank, and several warehouses along the railroad. (The latest) submission does not show enough detail of the proposed canopy and gas pump island. (It is unclear) where ...the cited "brick accents to match existing store" (are) to be used?...The cut and paste illustration does not provide enough clear detail."

"The edging of the canopy is apparently shown as brick or brick veneer in the plans. This is an incongruous choice of material. It sets up a visual improbability: a brick slab held up in the air by thin columns. The Applicant (should) reconsider that choice and just use a very plain edging fascia."

#### **ADEQUATE PUBLIC FACILITIES ORDINANCE (APFO):**

**In General:** This project was reviewed for potential impacts on schools, water/sewer and roads. This project was determined to generate no impacts on schools, utilities and traffic.

- **Schools:** The non-residential nature of this project has no impact on schools.
- **Water and Sewer:** The Property is currently classified W-1/S-3. The Division of Utilities and Solid Waste Management (DUSWM) has indicated approval.<sup>3</sup>
- **Traffic:** This project was subject to a traffic review. This Site Plan will generate less than 25 trips during typical weekday am and pm peak hours. Because there are no escrow accounts in the scoping area for this project, no APFO mitigations are required.

Therefore, this project can receive a three-year APFO approval.

#### **OTHER AGENCY COMMENTS:**

<b>Agency</b>	<b>Comment</b>
<b>Engineering Section, DPDR:</b>	Conditional Approval. (No conditions of approval are listed.)
<b>Transportation Eng., DPDR:</b>	Conditional Approval subject to resolving striping plan design and minor relocation of pumps with the Improvement Plans.
<b>Planning Section, DPDR:</b>	Conditional Approval, subject to resolving minor drafting corrections and the following as listed in the Staff Report:  1) Provide 6' board fencing at the eastern corner of the parcel to facilitate screening where landscape material will not thrive because of shade conditions; 2) Either remove the proposed free-standing sign from the Site Plan; or:

<sup>3</sup> It should be noted that Health Department concerns regarding water and septic usage are separate from APFO capacity reviews.



<b>Agency</b>	<b>Comment</b>
	a) provide adequate setback location; b) agree to removal all existing signage on the building; and c) clarify sight distance issues at the corner; and 3) Work with the historic preservation planner to provide a fascia design more compatible with the surrounding historic homes and businesses.
<b>Life Safety, DPDR:</b>	Conditional Approval. Installation of fuel tank shall be in accordance with NFPA #30 regulations. Emergency Response Information: Emergency Response Information: 1st Responder: Carroll Manor Station #14 2nd Responder: Carroll Manor Station #28
<b>Health Department:</b>	Denial. The concerns regarding the water and sewer usage appear to be drafting errors. If these issues can be resolved prior to or concurrently with the FcPc Meeting, then the Health Department can change its recommendation to "Conditional Approval".
<b>Historic Preservation:</b>	<p>Conditional Approval. The existing store dates from approximately 1940 and is a contributing structure in the Adamstown Survey District, F-1-185 in the Md. Inventory of Historic Properties. The Survey District as a whole may be eligible for both the National and County Registers of Historic Places.</p> <p>With regard to the proposed pump islands and the canopy the materials and views of the proposed canopy and landscape from Mountville Road should be considered, as this is the major intersection of the historic village and the location of many of its historic commercial properties, including the store (originally Gochnaur's), the bank, and several warehouses along the railroad.</p> <p>The latest submission does not show enough detail of the proposed canopy and gas pump island. It is unclear where the cited "brick accents to match existing store" are to be used. The cut and paste illustration does not provide enough clear detail.</p> <p>The edging of the canopy is apparently shown as brick or brick veneer in the plans. This is an incongruous choice of material. It sets up a visual improbability: a brick slab held up in the air by thin columns. The Applicant should reconsider that choice and just use a very plain edging fascia.</p>

### **FINDINGS:**

The Applicant is requesting approval of Concept Plan and Site Plan (AP # 11447 & 11047) to add four gas pumps at two gas pump stations with a proposed 24' x 24' canopy; APFO approvals; and modification approvals for the following:

- Parking drive-aisle width modification to allow 20'-3" [§ 1-19-6.220 (B) (2)];
- parking-space number one greater than the required number [§ 1-19-6.220 (A) (2)];
- waiver not to connect to adjoining parking lots [§ 1-19-6.220 (F)]; and



- landscape modifications to allow the proposed five Red Maples and the Evergreen trees to account for the 20% canopy requirements parking bay [§ 1-19-6.400 (A & B)].

The Staff finds that:

- 1) The Concept Plan, if approved, would have an indefinite approval period. Site Plan approval can be given for a three-year period from the date of FcPc approval.
- 2) This project is subject to APFO because the number of peak-hour trips is greater than six but not subject to testing/study because it would generate less than 25. There are no impacts on schools, and the project passes water and sewer. However, there are no existing escrow accounts in the travel shed, therefore, no mitigations are required and the APFO approval can be given for a three-year approval.
- 3) There are no hydrological components on this site. FRO forest requirements are waived because the net disturbance area is less than 1,250 square feet.
- 4) With regard to parking and site access:
  - a) The site circulation pattern is remaining essentially the same, with adequate sight distance from both entrances and flow-through movement that is not likely to be used as "illegal" cut-throughs; however, the parking arrangement is being significantly improved by moving the non-handicapped parking to the back of the building and providing a handicapped space at the front that meets Maryland Accessibility Code requirements;
  - b) The request not to connect to the adjoining lots and parcels is justified because of existing and likely residential uses on the adjoiners;
  - c) The request for a decreased parking aisle width is justified because of the limited site area and the modest amount of parking served by the drive aisle;
  - d) The request for an additional one spaces above the required amount is justified because of the usage of the site and the fact that the site is being retrofitted from an existing parking lot;
  - e) A majority of the Red Maples need to be exchanged with the row of evergreens, in order to retain canopy coverage while simultaneously facilitating fuel truck maneuverability through the site;
  - f) No bicycle parking is required; and
  - g) The design meets Maryland Accessibility Code requirements.
- 5) With regard to signage:
  - a) The Applicant must either withdraw the request for the additional free-standing sign; or
  - b) remove all existing signage on the building to allow for the limited allotment to be devoted to the proposed free-standing sign; identify the height of the sign and provide evidence that it does not obstruct sight distance at the corner; and moved the sign back to accommodate the setback requirement of 12.5'.
- 6) With regard to lighting, the Applicant is not proposing any new signage with this application.
- 7) With regard to landscaping:
  - a) There is limited availability to plant on the site because of the limited site area and the need for pavement of access this site;
  - b) The Applicant's proposal to plant five Red Maple and evergreen trees largely fulfills the spirit and intent of the various landscape requirements;
  - c) A 6' board fence could be added to the eastern corner of the parcel to facilitate screening requirements where landscape material is likely to be shaded out.

- 8) Based upon the discussion in the report, the Staff finds that the First Revised Site Plan application meets and/or will meet all applicable Zoning, Subdivision, APFO and FRO requirements once all Staff and Agency comments and conditions are met or mitigated. With certain conditions of approval added, the Staff offers no objection to approval.

**RECOMMENDATION:**

Should the FcPc choose to approve this Concept Plan and Site Plan application (AP # 11447 & 11047 &) for a 21,862 sq. ft. building expansion, the FcPc should also cite the following approvals as well:

- APFO approval (AP # 11051);
- parking drive aisle width of 20'-3" [§ 1-19-6.220 (B) (2)];
- parking-space number one greater than the required number [§ 1-19-6.220 (A) (2)];
- waiver not to connect to adjoining parking lots [§ 1-19-6.220 (F)]; and
- lighting modification to allow 42' pole height [§ 1-19-6.500 (G)].

Then, Staff would recommend adding the following conditions to the approval if the Health Department concerns can be resolved prior to or concurrently with the FcPc Meeting:

Applicant shall:

- 1) Provide 6' board fencing at the eastern corner of the parcel to facilitate screening where landscape material will not thrive because of shade conditions.
- 2) Work with the Staff to exchange the Red Maples with the evergreen trees to retain the canopy coverage and simultaneously facilitate fuel truck maneuverability.
- 3 With regard to the signage:
  - a) Either remove the proposed free-standing sign from the Site Plan; or:
  - b) If keeping the free-standing sign proposal:
    - i. provide adequate setback location;
    - ii. removal all existing signage on the building; and
    - iii. clarify sight distance issues at the corner.
- 4) Work with the Historic Preservation Planner to design a canopy design that is more compatible with the historic infrastructure and designs of the surrounding community.
- 5) Comply with Agency comments as this project moves through the development process, including but not limited to correction notes.





Exhibit #1

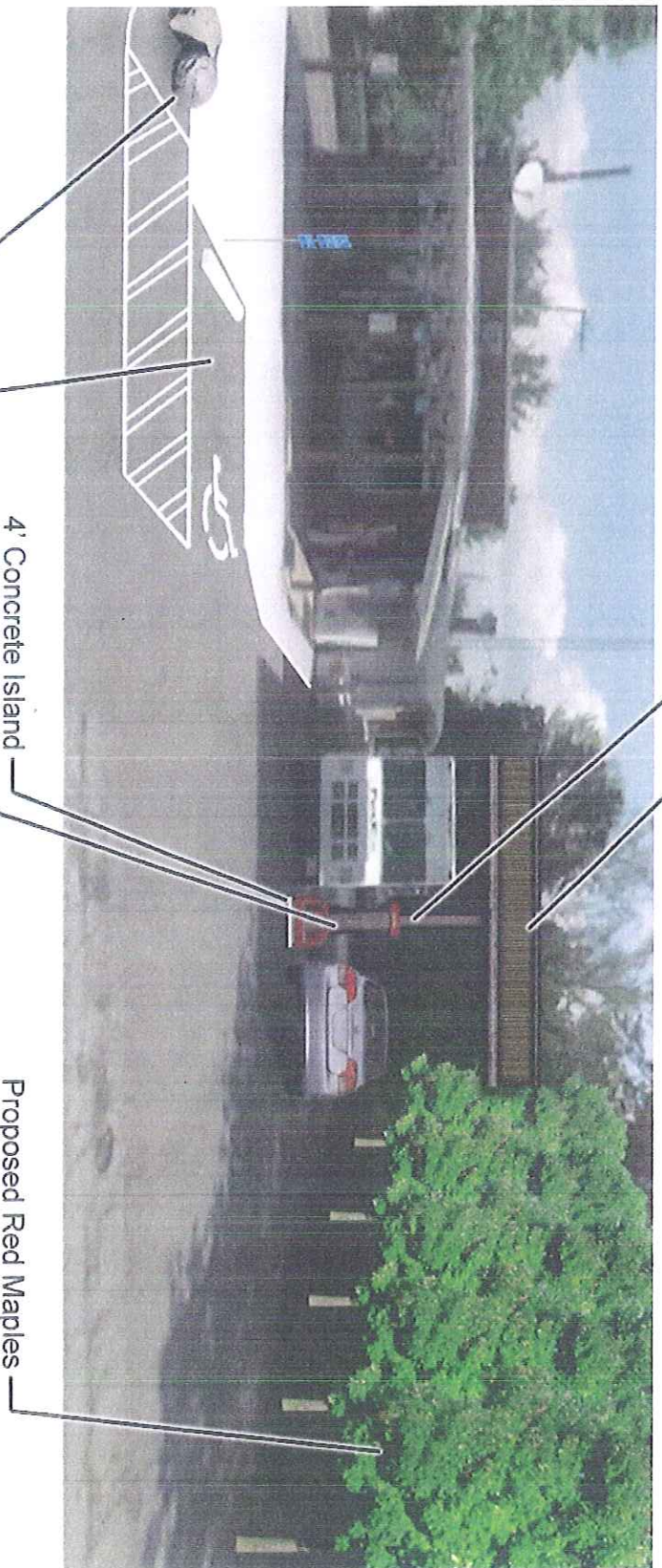


# STUPS MARKET

## PROPOSED GAS CANOPY ELEVATION ILLUSTRATION

Proposed Canopy  
Mansard Style With Brick Accents  
(To Match Existing Store)

Single Steel Column Canopy



4' Concrete Island

Proposed Gas Pump

Proposed Handicap Space

Proposed Boulders

Proposed Red Maples

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128 SOUTH POTOMAC STREET, NIDDERGTON, MARYLAND 21720  
20 WEST BALTIMORE STREET, GREENOCKVILLE, PENNSYLVANIA 17225